Amendments to the Claims

Please cancel claims 2, 11 and 12 without prejudice. Please amend the remaining claims as shown below in the List of Claims.

List of Claims

1. (Currently amended) An isolated promoter comprising the following DNA (a) or (b), characterized in that ~~it~~ said promoter is capable of functioning in plant cells:

   (a) DNA comprising the nucleotide sequence shown in SEQ ID NO:1, or

   (b) DNA having promoter functions equivalent to those of the above DNA (a) and comprising a modified nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID NO:1, ~~and which~~ and wherein:

      (i) said modified nucleotide sequence has more than 90% identity to the nucleotide sequence of any region consisting of 250 bp or more within the nucleotide sequence shown in SEQ ID NO:1, ~~which~~

      (ii) said modified nucleotide sequence contains the nucleotide sequence shown in SEQ ID NO:24, and ~~which~~

      (iii) said modified sequence hybridizes to the nucleotide sequence shown in SEQ ID NO:1 under conditions that include washing in 300 mM sodium chloride, 30 mM sodium citrate, and 1% SDS at 55°C[[,]]

   ~~wherein said DNA has promoter functions equivalent to those of the above DNA (a)~~.

2. Cancelled.

3. (Currently amended) A chimeric gene comprising ~~an~~ the isolated promoter of claim 1 and a desired coding sequence operatively linked to each other.

4. (Currently amended) A chimeric gene comprising ~~an~~ the isolated promoter of claim 1, a desired coding sequence, and a terminator that is capable of functioning in plant cells operatively linked to each other.

5. Cancelled.

6. (Currently amended) A vector ~~characterized in that it contains a~~ comprising the promoter of claim 1 and a desired coding sequence.

7. (Currently amended) A vector ~~characterized in that it contains a~~ comprising the promoter of claim 1, a desired coding sequence, and a terminator that is capable of functioning in plant cells.

8. (Currently amended) A method of producing a transformant comprising introducing into a host cell any one of: a) the ~~a~~ promoter of claim 1[[,]]; b) ~~a~~ the chimeric gene of claim 3 or 4[[,]]; or ~~a~~ the vector of claim [[~~5~~]] 15 or 6.

9. (Currently amended) A non-human transformant comprising any one of: a) the ~~a~~ promoter of claim 1[[,]]; b) ~~a~~ the chimeric gene of claim 3 or 4[[,]]; or ~~a~~ the vector of claim [[~~5~~]] 15 or 6.

10. (Currently amended) ~~A~~ The transformant of claim 9 ~~in which~~ wherein the host cell is a microbial cell or a plant cell.

11. Cancelled.

12. Cancelled.

13. (Previously presented) An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (a).

14. (Previously presented) An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (b).

15. (Currently amended) A vector ~~characterized in that it contains an~~ comprising the isolated promoter according to claim 1.

16. (Currently amended) An isolated promoter comprising the following DNA (a) or (b), and characterized in that ~~it~~ said promoter is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID NO:1, or

(b) DNA having promoter functions equivalent to those of the above DNA (a) and comprising a modified nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID NO:1, and ~~which~~ wherein:

(i) said modified nucleotide sequence contains the nucleotide sequence shown in SEQ ID NO:24, and ~~which~~

(ii) said modified nucleotide sequence hybridizes to the nucleotide sequence shown in SEQ ID NO:1 under conditions that include washing in 300 mM sodium chloride, 30 mM sodium citrate, and 1% SDS at 55°C[[,]]

~~wherein said DNA has promoter functions equivalent to those of the above DNA (a)~~.